

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARK B. CLARKE,

Plaintiff,

ORDER

-against-

06-CV-4358 (SLT) (LB)

ERIC K. SHINSEKI, Secretary,
Department of Veterans Affairs,

Defendant.

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TOWNES, United States District Judge:

On August 18, 2006, plaintiff, Mark B. Clarke, commenced this *pro se* action against the Secretary of Veterans Affairs,¹ alleging breach of a settlement agreement. In early 2008, defendant moved for summary judgment. By order dated March 5, 2008, this Court referred defendant's motion to the Honorable Lois Bloom, United States Magistrate Judge, for a Report and Recommendation ("R&R").

Magistrate Judge Bloom issued her R&R on March 4, 2009, recommending that defendant's motion for summary judgment be granted and that plaintiff's complaint be dismissed. The R&R specifically advised the parties that they had ten days from receipt of the R&R in which to file written objections to it. Pursuant to Magistrate Judge Bloom's order, the Clerk of Court served a copy of the R&R on plaintiff on March 6, 2009, by mailing a copy to his last known address.

¹At the time plaintiff commenced this action, the Secretary of Veterans Affairs was R. James Nicholson. In late 2007, Secretary Nicholson resigned and was replaced by Dr. James B. Peake. In early 2009, Dr. Peake was replaced by Eric K. Shinseki. By operation of Rule 25(d) of the Federal Rules of Civil Procedure, Secretary Shinseki was automatically substituted as the defendant in this action upon assuming office.

To date, neither plaintiff nor defendant have filed any objections to the R&R. A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). Accordingly, this Court has reviewed the R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Bloom’s Report and Recommendation dated March 4, 2009, is adopted in its entirety. This Court will enter judgment in favor of defendant and against plaintiff.

SO ORDERED.

/s/

SANDRA L. TOWNES
United States District Judge

Dated: March 31, 2009
Brooklyn, New York